

MCI Telecommunications
Corporation

MCI

1801 Pennsylvania Avenue, NW
Washington, DC 20006

ORIGINAL

EX PARTE OR LATE FILED

December 11, 1998

Anna M. Gomez, Chief
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2025 M Street, NW
Washington, DC 20554

Received

DEC 15 1998

Common Carrier Bureau
Network Services Division
Federal Communications Commission

RECEIVED

DEC 11 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: In reply to November 24, 1998 Letter: RespOrg non-compliance with the set-aside 888 number right-of-first-refusal process-- Requirement for specified RespOrgs to submit letters of explanation by December 11, 1998

Dear Ms. Gomez:

95-155

In March 1998 the Federal Communications Commission (FCC) determined that 800 subscribers who previously requested their equivalent 888 numbers to be set-aside, be allowed to exercise their right-of-first refusal with the associated 888 toll free number. (See *Toll Free Access Codes*, Fourth Report and Order and Memorandum Opinion and Order, CC Docket 95-155, FCC 98-48, released March 31, 1998, 63 FR 16440.) On April 2, 1998, the Network Services Division (NSD) issued a letter to Database Services Management, Inc. (DSMI) (with a modification on May 25, 1998) describing the process to be used by the RespOrgs and DSMI to honor subscriber requests for activating 888 set-aside numbers.

On November 24, 1998, NSD issued follow-up letter to DSMI requesting that each RespOrg report back to NSD by December 11, 1998 on the results of its efforts to comply with the Bureau's 888 set-aside process. This serves as the requested response from all six MCI WorldCom, Inc (MCI WorldCom) RespOrgs IDs. As you know, since the original set-aside requests were processed in 1996, WorldCom, Inc has acquired various companies, which also were RespOrgs. As a result of these mergers, MCI WorldCom currently maintains five RespOrgs IDs (MC, LD, MF, WI and BI) and has closed one RespOrg ID (MM). Detailed below are the activities each RespOrg took to notify 800 subscribers with 888 set-aside numbers of their right of first refusal.

In addition, I want to assure you that MCI WorldCom has taken the Commission's requirements seriously. It is important to us that our customers know and understand their opportunity to claim 888 numbers. There are other considerations that may explain the low response received from 800 subscribers that are different than the explanations proposed in the Bureau's November letter. For example, these numbers were originally set aside in 1996. Approximately two years lapsed between creating the

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set-aside pool and the Commission's decision to allow 800 subscribers to exercise a right of first refusal for the accompanying 888 number. In the highly competitive toll free market, many of MCI WorldCom's 1996 customers ported to other carriers or were disconnected after the set-aside pool was created. In addition, WorldCom provides RespOrg services to other 800 service providers under the RespOrg ID WI. While the RespOrg's customer (the 800 provider) was notified by letter of the right-of-first refusal option for 888 set-aside numbers, we cannot guarantee that information was further communicated to the actual 800 subscriber because WI does not have any information concerning the 800 provider's communications with its retail 800 subscriber.

MCI WorldCom made and continues to make a concerted effort to ensure that 800 subscribers understand their option of right-of-first-refusal for their corresponding 888 set-aside numbers. Specifically, WorldCom, which includes the RespOrg IDs LD (LDDS), BI (Brooks) and MF (MFS), issued a letter explaining to the subscriber its options to retain the 888 equivalent. WorldCom attached a form letter that could be used by the customer to communicate its choice to exercise its right of first refusal (See Exhibit I). MCI (RespOrg ID MC), because of the sheer volume of subscribers involved, created an internal intranet site, accessible only by MCI business account representatives, which provides the account representatives with list of 800 numbers associated with their customer accounts, and required these representatives to address the issue with their customer accounts. Specifically, MCI WorldCom affiliates took the following actions:

1. MetroMedia (RespOrg ID MM): This RespOrg ID was closed in earlier this year and all toll free numbers associated with this RespOrg were moved to the LD RespOrg. Actions taken to address the 888 set aside numbers were completed under the LD RespOrg ID.
2. WorldCom (RespOrg IDs LD, BI and MF): A letter and form was issued to each and every 800 subscriber with an 888 set-aside number. A copy of this letter is provided in Exhibit I. In addition, WorldCom funded two separate telemarketing efforts to contact each customer to further inform customers of the right-of first-refusal options. If the customer was interested in exercising their option, a fax of the letter and form was send to the customers. The WorldCom RespOrgs are currently conducting an internal audit of all customers that have not responded. After this audit is completed, WorldCom will further determine the best way to contact these customers once again to notify them of their right of first refusal. WorldCom's customer service is still receiving inquires about the right of first

refusal and accepting customer requests to exercise that right.

3. WorldCom Wholesale (RespOrg ID WI): This RespOrg provides wholesale RespOrg services to other 800 service providers. As such, the customers of WI are not necessarily individual 800 subscribers. The WI RespOrg did, however, notify its customers of the right-of-first-refusal for 888 numbers and issued two communications letters to these 800 service providers (See Exhibit II). The RespOrg has no insight to the customers of the 800 service providers and therefore cannot provide information on how those customers were contacted. We plan to issue another letter to these 800 service providers informing them of their requirement to notify their 800 subscribers of the right-of-first refusal for the 888 set-aside numbers.

4. MCI (RespOrg ID MC): MCI issued numerous Marketing Alerts to our field representatives indicating a regulatory mandate to notify their 800 subscribers with 888 set-aside numbers of the subscribers' right-of-first refusal and two messages directly to 800 subscribers on their invoices. See Exhibit III. The Marketing Alerts were sent to MCI field representatives every two weeks between April 1998 and August 1998, then were increased to every week during the month of August and finally, were issued every day during the week of August 17, 1998. In addition to these Marketing Alerts, the May 1998 toll free service invoices included a customer notice explaining their right-of-first-refusal option for 888 set-aside numbers. The message was re-printed again in the October 1998 invoices. Lastly, MCI established an internal intranet site as a tool for the MCI Reps to verify that their subscriber information was correct and that their subscribers' numbers were, in fact, set aside. This website, which is still maintained and available to our sales force, contains three types of information: 1) a list of 888 set-aside numbers under the MCI RespOrg with the associated customer account; 2) a list of 888 set-aside numbers that were accepted by DSMI after the customer request was submitted; 3) a list of 888 set-aside numbers that were rejected by DSMI after the customer request was submitted. In the later case, the MCI rep is then responsible for working with the customer to correct the request. The website also provides online access to the Marketing Alerts

and a form letter that MCI Reps could present to their customers. The MCI Reps further contacted their customers individually, and personally, in face-to-face meetings explaining to the customer their options for the 888 set-aside numbers. The MCI Rep was then responsible for obtaining the signature of the customer on that customer's business letterhead and send that letter to a special person within MCI handling all requests and forwarding those requests to DSML. In addition, for the few residential /small business customers with 888 set-aside numbers, these customers were also contacted via letter with instructions on exercising their right-of-first-refusal. MCI is evaluating still more effective ways to notify the remaining 800 subscribers and will be contacting the remaining customers once again to remind them of their right-of first-refusal option for the 888 set aside numbers. For our larger business customers, our Vice President in charge of sales will be sending a message to all sales reps reminding them of the importance of revisiting their customers who have not yet responded, and ask the reps to explain the importance exercising, or declining to exercise, a right-of-first-refusal option.

As is evident from the above description of our activities, MCI WorldCom has taken substantial steps to meet the requirements set forth by the Bureau. We believe we are in compliance with regulatory requirements. Further, we continue to receive, accept and process requests from customers exercising their right of first refusal for 888 set-aside numbers.

We look forward to working further with you and your staff to answer any specific questions you may have. Please feel free to call me at 202-887-3045.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary De Luca" followed by a circled "mlb" in parentheses.

Mary De Luca
Senior Policy Advisor
Federal Law and Public Policy
MCI WorldCom, Inc.

CC: Les Selzer

Attachments: Exhibit I: WorldCom Customer Letter
Exhibit II: WorldCom Wholesale Customer Letter
Exhibit III: MCI Marketing Alerts and Invoice Messaging

EXHIBIT I

Dear WorldCom Customer:

Prior to the opening of the toll free prefix "888" in 1996, customers with an 800 vanity number were given the option to protect their vanity in the 888 version of that number by submitting paperwork to their carrier. Now, in an order dated March 31, 1998, the Federal Communications Commission (FCC) has mandated that customers must either 1) activate their 888 vanity numbers: or 2) relinquish protection so that these numbers are made available to others.

If you are interested in activating your protected 888 number, please note the following:

- The corresponding 800 vanity number must be managed by the WorldCom Responsible Organization (Resp Org).
- A formal request on *your company letterhead* must be faxed to the WorldCom Resp Org Group at (210) 255-5479. It is important that you submit this request on your company letterhead because WorldCom is required to submit all requests to the FCC in turn.
- All requests must be received by 5:00 p.m. C. S. T. on August 21, 1998. *All protected 888 vanity numbers not requested by this date will no longer be protected.*
- The Resp Org will notify the FCC to place the corresponding 888 number in control of the WorldCom 's Resp Org. Additional information about activation will follow once WorldCom receives a response from the FCC.
- Upon completion of the reservation, WorldCom will notify the customer who initiated the request..

Again, if you choose not to activate the protected 888 vanity number, the number will no longer be protected and will be available to all.

If you have any questions, please contact our Customer Service Center:

Business Accounts.....(800) 264-1000
Residential Accounts.....(800) 275-0100

Sincerely,

WorldCom Product Marketing

Enclosure

Date: _____

To: WorldCom Resp Org

I hereby attest that I am the actual subscriber of record for (800) __ - _____ and that WorldCom currently is the Resp Org for this number. I would like the ability to activate the 888 version of this number. Therefore, I request that pursuant to the *Federal Communications Commission (FCC) Order and Memorandum Opinion and Order (FCC 98-48), CC Docket NO. 95-155*, dated March 31, 1998, the corresponding 888 number be place under the control of the WorldCom Resp Org for activation on my behalf.

Authorized Signature

Printed Name of Signature

EXHIBIT II

WORLD COM Wholesale Services

Communications Update

UPDATE ON TOLL FREE VANITY NUMBERS

As stated in previous *Communications Updates*, the FCC has issued their ruling on protected 888 vanity numbers. If an 800 vanity number is under WorldCom's Resp Org IDs WIL01 or LDD01, and the 888 version of the number was protected, the end user must notify WorldCom in writing of their intent to activate the number. Please see the April 10, 1998, *Communications Update* for additional information.

The FCC has provided WorldCom with a file of 800 numbers under WIL01 and LDD01 that have corresponding 888 protected numbers. We have taken this file and matched it to the WorldCom billing system.

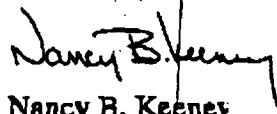
To receive a list of the 800 toll free numbers on your account for which there are available corresponding 888 numbers, please fax a request on company letterhead to 630-516-6027. This request should include:

1. your account number(s),
2. your fax number, and
3. your e-mail address.

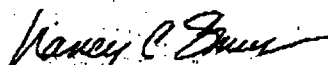
Depending on the size of your file, we will either fax or e-mail the data.

As noted in the April 10 *Communications Update*, the deadline for notification of intent to activate an 888 protected number is May 25, 1998. If you have additional questions, you may contact the International Customer Service Center at the numbers shown below.

Thank you.



Nancy B. Keeney
Vice President
Reseller and Network Support



Nancy C. Smith
Vice President
Carrier Customer Support

Carrier: (800) 828-4984	Reseller: (800) 864-4040	DEX platform: (800) 830-6833
Pages: 1	Date: 5/5/98	Our Fax Number: (918) 562-5084

WORLD COM Wholesale Services

Communications Update

IMPORTANT TOLL FREE INFORMATION FOR OUR CUSTOMERS

877 INFORMATION

The 877 toll free exchange has been opened as of April 5, 1998 at 12:00 p.m. (CST). All of the pre-reservation results have been sent back to the requesting customers. You may now proceed with 877 reservations and activations.

Allocations are still in place, but have been significantly increased for 800, 888 and 877. Please keep in mind – all toll free reservations should only be made via a specific end user request, according to FCC guidelines.

888 INFORMATION

Prior to the opening of 888 toll free numbers, end users with an 800 vanity number were able to protect their 888 version by submitting paperwork to the FCC. (This process was referred to as replication.) With the opening of 877, the FCC has chosen to address these protected numbers via an order dated March 31, 1998.

If an 800 vanity number is under WorldCom's Resp Org, and the 888 version of the number was protected *WorldCom must be notified by the end user in writing no later than May 25, 1998 of your intent to activate or the 888 number will be released to the general pool.*

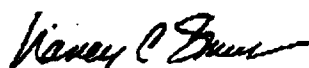
If an end user is interested in reserving the protected 888 number, please note the following:

- The corresponding 800 number must be listed under the WIL01 Resp Org ID.
- The 888 number must be listed under BRREP Resp Org ID or BRUNV Resp Org ID, which are SMS database protection identifiers.
- A formal request on end user company letterhead must be submitted via fax to the Toll Free Administration Group at 630-516-6028. (An example is on page 2.)
- The standard wholesale reservation form must be attached to the end user formal request; more than one end user request may be attached to the reservation form.
- The Toll Free Administration Group will notify the FCC to place the corresponding 888 number in control of the WIL01 Resp Org. Additional information about the activation will follow once more information is received from the FCC.
- Upon completion of the reservation, notification will be sent back to the wholesale customer who initiated the request.

If you have any questions, please contact our International Customer Service Center at the numbers shown below. Thank you.



Nancy B. Keeney
Vice President
Reseller and Network Support



Nancy C. Smith
Vice President
Carrier Customer Support

(Continued on page 2)

Carrier: (800) 828-4984	Reseller: (800) 864-4040	DEX platform: (800) 830-6833
Pages: 2	Date: 4/10/98	Our Fax Number: (918) 562-5084

04/10/98 13:13 WORLDCOM

Page 3 of 3

Communications Update, page 2
April 10, 1998

(Sample letter, to be submitted on company letterhead.)

(Date)

To: Resp Org _____

I hereby attest that I am the actual subscriber of record for 800-_____, and that WorldCom currently is the Resp Org of this number. I would like the ability to activate the corresponding 888 number. Therefore I request that pursuant to the *FCC Order and Memorandum Opinion and Order (FCC 98-48)*, CC Docket No. 95-155, dated March 31, 1998, the corresponding 888 number be placed under control of the WorldCom Resp Org/WIL01.

Authorized Signature

Printed Name of Signatory

EXHIBIT III

MCI Customer Invoice Messaging

May Invoice Messaging

Toll Free

FCC ADOPTS DECISION ON ASSIGNMENT OF TOLL FREE VANITY #'S

The FCC has decided that subscribers of certain vanity numbers in the 800 toll free code are granted the right of first refusal for a limited amount of corresponding vanity numbers in the 888 code that were set aside pending the commission's decision. Set aside 888 vanity numbers became available for assignment 90 days after 877 was deployed. If the subscriber to the corresponding 800 vanity number refrains from subscribing to the set aside 888 number, the 888 number will be made available on a first-come, first-served basis. For further information please contact your MCI Account Representative today.

October Invoice Messaging

Toll Free

REPLICATION NOW AVAILABLE

The FCC granted the release of 888 numbers on September 22, 1998. This is a reminder that the timeframe to bring your numbers into service is September 22, 1998 through November 6, 1998. Please contact your MCI WorldCom representative for further information and procedures regarding 888 replication and activation.

Internal Website Information – current view

URGENT 888 REPLICATION NUMBER INFORMATION

The 888 numbers that were requested in the replication process, have been processed!!

We know, it's been a long time waiting, but your customers can now begin marketing their new 888 numbers and you can begin seeing increased revenues!

There have been some 888 numbers that were rejected by DSMI (Database Service Management Inc. They are the administrator for the Toll Free number database). They are very particular about the procedures outlined by the FCC and are responsible for those procedures to be followed to the letter. Please take the following steps to ensure that your customers numbers were processed successfully.

1. Ensure that the Netcap function MSTN E 888# is done first. This will verify that the number is in Netcap.
2. If you locate the number via the MSTN function you will then do a FEAT order to establish routing for the number. DO NOT CICC THE NUMBER!!!!!!!
3. If the number does not appear in the MSTN function, the numbers were rejected by DSMI. This DOES NOT mean that the numbers will be returned to the spare pool.
4. There has been two Web sites set up that will give you a listing of the ACCEPTED and REJECTED 888 numbers.

PLEASE review these Web sites to determine the status of your numbers. For the rejected 888#'s, the web site will contain the reject reason along with the action to be taken to rectify the problem.

This is the URL for those 888 Replicated numbers that were REJECTED by the Administration company of 800 numbers. Please read carefully and follow the procedures for re-submitting your requests.

<http://gtss.mcit.com/cgi-bin/lms/888rej.cgi>

This is the URL for those 888 Replicated numbers that were successfully processed. If your number is on this list, the only action you will need to take is to do a FEAT ORDER ONLY.

<http://gtss.mcit.com/cgi-bin/lms/888ok.cgi>

This is the URL to verify the listing of all 888 numbers in replication status.

<http://gtss.mcit.com/cgi-bin/lms/bkw800.cgi>

*****NOTE*****

You will have 45 days to complete the steps outlined or your number will be lost.

For any questions contact Kathleen Speltz @ v923-4370

Examples of Customer and Account Team Communications

Mass Markets

*****MASS MARKETS(SMALL BUSINESS) CUSTOMER LETTER*****

June 1, 1998

Dear MCI Customer,

Approximately two years ago, you pre-reserved an 888(replicated) number(s) which corresponds to your company's 800 number(s) in preparation for the availability of 888 toll-free calling. These numbers were placed in an unavailable status awaiting the FCC decision on who had the rights to these 888 numbers.

Although 888 numbers became available in March 1996, your replicated 888 numbers have been held in an unavailable status since that time.

On April 2, 1998, the FCC decided that you have a right of first refusal to your replicated numbers. This means that you must decide on whether or not you still want to use the following 888 pre-reserved numbers and let MCI know in writing of your decision.

1. 888 XXX XXXX
2. 888 XXX XXXX
3. 888 XXX XXXX

If you wish to use the 888 number(s), please complete, sign and return the enclosed reply. You must respond to MCI by July 20, 1998, so MCI can inform the FCC of your decision.

Remember, now that both 800 and 888 numbers are available for toll-free calling, it makes sense for your business to retain and use the 888 number(s) your company pre-selected. Your MCI Toll Free service is an important and powerful business tool that can expand your customer base and your market coverage. You don't need to publish the number, but it's helpful to have it in service in case customers dial 888 instead of 800. This way your customers can always reach you at no cost to them.

If you still wish to use the 888 number(s) listed above and have responded to MCI before July 20, 1998, you may begin using your 888 number on September 30, 1998. WE WILL NEED TO CAVEAT THIS IF WE EXPECT THERE WILL BE A DELAY. If you have any questions, please call an MCI Customer Service Representative at 1 800 727-5555.

Sincerely,

Joe Galvin
Customer Service

June, XX, 1998

Dear MCI,

This letter serves as (Customer Name) request to secure the following 888 numbers that have been held in the pre-served but unavailable status by the FCC.

(Customer Name) warrants that it currently owns the 800 version of this number. (Customer Name) previously requested the 888 number be pre-reserved in unavailable status and now wants to the action to be taken on this status.

(Customer Name) plans to use the following pre-reserved 888 numbers:

1. 888 XXX XXXX
2. 888 XXX XXXX
3. 888 XXX XXXX

(Customer Name) does not plan to use the following pre-reserved 888 numbers:

1. 888 XXX XXXX
2. 888 XXX XXXX
3. 888 XXX XXXX

Sincerely,

CUSTOMER SIGNATURE

BY: _____
NAME:
TITLE:
COMPANY NAME

Business Markets

The following communication was e-mailed to account representatives on April 17, 1998:

*****BUSINESS MARKETS ACCOUNT TEAMS/CUSTOMERS*****

PLEASE READ INBOUND MARKETING HAS ISSUED THE FOLLOWING DIRECTIONS FOR 888 NUMBERS IN UNAVAILABLE STATUS. PLEASE READ AND RESPOND TO MARKETING BY MAY 20, 1198.

Forwarded message: Inbound Marketing

888 REPLICATION NUMBERS NOW AVAILABLE

The FCC has ruled the numbers in 888 replication will now be available to customers with the first right to refusal. Immediate action needs to be taken by the account teams in order to secure your customers 888 number requests.

The following steps need to be taken in order to fulfill the customer's request:

1) Account Team must obtain a letter from the customer on customer letterhead, which contains all 888, numbers initially, requested. (PLEASE SEE ATTACHED DOC SAMPLE LETTER) This letter must also note that they currently own the 800 number and they wish to request activation of the 888 number.

2) Account Team needs to retain a copy of the customers letter for their file and then overnight original letter to:

MCI
3 Ravinia Drive
Atlanta, GA 30346
ATT: Kathleen Speltz
Dept/Loc: 7925/132
770-280-4370 / V923-4370

(Please note that overnight delivery will be the ONLY ACCEPTABLE means of delivery - NO FAXES ACCEPTED)

Please note the FCC has given us a VERY SHORT timeframe to accomplish this.

All letters must be received no later than May 20th, 1998. If letters are not obtained by the above INTERNAL date, we cannot guarantee the 888 number will be reserved for your customers.

After July 4th, 1998 all 888 numbers which have not been reserved will return to the spare pool.

Any further questions should be directed to Kathleen Speltz, 800 Product Marketing at V923-4370, Joan Russo, 800 Product Management, V923-7021.

CUSTOMER LETTERHEAD (optional)

(Today's Date)

(Customer Address)

To MCI:

This letter serves as (Customer Name) request to secure the following 888 numbers that have been held in replication (Unavailable) status.

**** (Account teams please note that every number that customer has requested needs to be listed on this letter, there is NO need for separate letters for each 888 number)**

888 XXX XXXX
888 XXX XXXX
888 XXX XXXX
Etc.

The following 888 numbers are NOT requested for activation and may be returned to the SPARE pool Toll Free numbers:

888 XXX XXXX Etc.

Sincerely,

(Customer Name and Signature)

Date: Thu, 23 Apr 1998 14:22-0700 (MST)
From: cops-outage-alert cops-outage-alert@mci.com
Organization: MCI
To: Alert Netcap NETCAPmail@lists.mci.com
General Public GeneralPublic@lists.mci.com
Subject: **MARKETING ALERT IMMEDIATE ATTENTION REQUIRED**
Message-id: [19980423202144.FJMM22404@\[166.37.66.77\]](mailto:19980423202144.FJMM22404@[166.37.66.77])

***** MCI INTERNAL COMMUNICATION*****

**** MARKETING ALERT ****

***** IMMEDIATE ATTENTION REQUIRED *****

Per the FCC, all customers must be notified of their first right Of refusal of their 888 numbers in replication status no later Than Friday April 24th, 1998.

Account Teams must notify their customers of their specific 888 Numbers that they originally requested. Failure to notify the Customer may result in the loss of the 888-replication number. The following steps need to be followed:

- 1) View the listing of all 888 numbers in replication status at URL:
[Http://gtss.mcit.com/cgi-bin/lms/bkw800.cgi](http://gtss.mcit.com/cgi-bin/lms/bkw800.cgi)
- 2) Please verify by either Corp ID, Company Name or seven digit number.
- 3) All applicable customer 888 requests must accompany a letter (see attached sample). Your customer must be NOTIFIED no later than APRIL 24TH 1998. Please use any vehicle to communicate this important information to your customer.

PLEASE NOTE*

Failure to communicate this information by the required date of Friday, April 24th, 1998 may result in future litigation against MCI.